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04 November 2004

BYS43104.E

Belarus: Update to BY35876.E of 28 November 2000 on the situation of religious minorities, with particular reference to the law and its application, societal attitudes and the Jewish community (January 2001 - October 2004)

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The Law

Article 16 of the 1996 Constitution provides for the "equality of religions and denominations before the law" and indicates that the relationship between the state and a religious organization is "regulated with regard for their influence on the formation of spiritual, cultural and country traditions of the Belarusian people" (*International Religious Freedom Report 2002* 7 Oct. 2002, Sec. II; *International Religious Freedom Report 2004* 15 Sept. 2004, Sec. II).

On 24 September 2001, the State Committee on Religious and National Affairs (SCRNA), which had been established in January 1997 (*International Religious Freedom Report* 26 Oct. 2001, Sec. II), was reconstituted as the Committee of Religious and Nationalities Affairs of the Council of Ministers (CRNA) (*International Religious Freedom Report 2002* 7 Oct. 2002, Sec. II). The CRNA is a state institution that is responsible for regulating all religious matters in Belarus (*ibid.*, Sec. I; *International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II), including the registration and categorization of religions and denominations into traditional, non-traditional and sect (*International Religious Freedom Report* 26 Oct. 2001, Sec. II).

A new law entitled On Freedom of Conscience and Religious Organizations was approved by the lower house of the Belarusian Parliament on 27 June 2002, and by the upper house on 2 October 2002, was signed by the president of Belarus, Aleksandr Lukashenko on 31 October 2002 (FSU Monitor 1 Nov. 2002; IHF 24 June 2003, 11), and came into force on 14 November 2002 (*ibid.*). The law was adopted and enacted despite opposition from various domestic religious groups, "international and domestic human rights organizations [and] the European Union" (*International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II; *Charter '97* 17 June 2002). The law has been described as "internally contradictory and totalitarian" (IHF 24 June 2003), as well as "the most restrictive [law] in Europe" (FSU Monitor 1 Nov. 2002).

The preamble of the new law formally recognizes the influential role of the Russian Orthodox faith in the country's spiritual, cultural and political developments, and categorizes Catholicism, Evangelical Lutheranism, Orthodox Judaism and Sunni Islam as traditional religions (IHF 17-18 July 2003, 15; *International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II; see also *Charter '97* 7 Aug. 2002). In the case of all other religions, the new law provides that only those that

... existed in the country already before 1982 and have at least 10 ... congregations will be officially recognized. Religious groups that are not registered with the authorities are not allowed to collectively practice their faith, while registered groups need permission to conduct ceremonies and will only be able to hold occasional and small-scale meetings in private homes. All religious literature will be subject to censorship prior to import or distribution and foreigners may not lead religious communities (IHF 17-18 July 2003, 15; see also FSU Monitor 1 Nov. 2002 and *Charter '97* 25 Feb. 2004).

With the enactment of this law, religious groups could register as communities, associations or republican religious associations (or nationally recognized religions), and all religious groups already registered were required to re-register with authorities within a period of two years (*International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II). Belarusian officials publicly declared that religious groups which at the time of the enactment of the new law had already been registered would not lose this status (*International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II). As at June 2004, 80 per cent of all previously registered religious communities had been re-registered, and only one previously registered Muslim community was denied re-registration because it did not have enough members required to re-register as a religious community (*International Religious Freedom Report 2004* 15 Sept. 2004, Sec. II). For additional and more detailed information on the new law, please consult the *International Religious Freedom Report 2003* (18 Dec. 2003)

On 12 June 2003, the Belarusian Orthodox Church and the government signed a concordat that guarantees the church "autonomy in its internal affairs and the ability to fulfill all religious rights, as well as the right to consider itself in a special relationship with the State" (*International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II). The concordat also appealed to the government and church to oppose "'pseudo-religious structures that present a danger to individuals and society'" (ibid.).

The Law in Practice

In 2001, it was reported that "respect for religious freedom continued to worsen" in Belarus (*International Religious Freedom Report 2001* 26 Oct. 2001); in 2002, "respect for religious freedom continued to be very poor" (*International Religious Freedom Report 2002* 7 Oct. 2002); in 2003, "respect for religious freedom worsened" (*International Religious Freedom Report 2003* 18 Dec. 2003) and in 2004, "respect for religious freedom continued to be poor" (*International Religious Freedom Report 2004* 15 Sept. 2004). The International Helsinki Federation for Human Rights (IHF) indicated in mid-2003 that, in practice, the Belarusian government violated the principle of equality of all religions, which had been enshrined in its Constitution (17-18 July 2003, 14).

During a presentation on Belarus at the Ninth European Country of Origin Information Seminar held in Dublin, Ireland, on 26 and 27 May 2004, a representative of The Council of Europe indicated that the law on religion in Belarus, and the part of the Belarusian Constitution which addresses religion, is restrictive (26 May 2004). In practice, it has become increasingly difficult for members of all religions, excluding the Belarusian Orthodox Church, to practice their religion in peace (Council of Europe 26 May 2004).

Throughout the period covered by this Response, the United States Department of State reported that Lukashenko employed a policy of favoritism towards the Russian Orthodox Church, granting it privileges that were not accorded to other faiths, while authorities "harass[ed]" other denominations and religions (*International Religious Freedom Report 2001* 26 Oct. 2001; *International Religious Freedom Report 2002* 7 Oct. 2002; *International Religious Freedom Report 2003* 18 Dec. 2003; *International Religious Freedom Report 2004* 15 Sept. 2004; *Charter '97* 7 Aug. 2002; see also IHF 24 June 2003). In 2001 and 2002, police reportedly disrupted peaceful religious services and meetings held by religious groups, including Protestant, Hindu and Hare Krishna groups, that had not been registered with the authorities (*International Religious Freedom Report 2002* 7 Oct. 2002, Sec. II). By 2003 and throughout 2004, following the enactment of the new law, the government had "increased its harassment of religious groups" (*International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II; *International Religious Freedom Report 2004* 15 Sept. 2004, Sec. II). The IHF stated that the new law allows for the prosecution of members of non-registered religious groups for simply possessing religious material, such as a Bible (24 June 2003, 11).

Prior to and following the enactment of the new law, various reports indicated that the authorities had refused to register minority religious groups, often because they were considered to be nontraditional or sects (IHF 17-18 July 2003, 14; *International Religious Freedom Report 2001* 26 Oct. 2001, Sec. II; *International Religious Freedom Report 2002* 7 Oct. 2002, Sec. II; *International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II; *International Religious Freedom Report 2004* 15 Sept. 2004, Sec. II). Specifically, these included the Belarusian Orthodox Autocephalous Church (ibid.; *International Religious Freedom Report 2002* 7 Oct. 2002, Sec. II), various Protestant groups (i.e. Full Gospel Pentecostal) (ibid.), Light of Kaylasa (a Hindu group) (*International Religious Freedom Report 2001* 26 Oct. 2001, Sec. II), Unification Church, Church of Scientology (*International Religious Freedom Report 2004* 15 Sept. 2004, Sec. II; *International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II), Hare Krishna (ibid.; *Charter '97* 21 Oct. 2002; see also ibid. 5 Feb. 2003) and the Union of Evangelical Christians of Belarus (*Charter '97* 21 June 2002). As a result, members of minority religious groups that have not been registered have commonly been issued warnings and/or fines, and/or have been arrested for participating in religious meetings or for singing religious songs in public places (IHF 17-18 July 2003, 14; see also *International Religious Freedom Report 2001* 26 Oct. 2001, Sec. II; *International Religious Freedom Report 2002* 7 Oct. 2002, Sec. II; *International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II; *International Religious Freedom Report 2004* 15 Sept. 2004, Sec. II; Interfax 17 Aug. 2002; ITAR-TASS 17 Aug. 2002; *Charter '97* 25 Feb. 2004; Freedom House 2004).

Often, minority religious groups, such as Protestants, are denied registration because they do not have a legal address (*International Religious Freedom Report 2001* 26 Oct. 2001, Sec. II; *International Religious Freedom Report 2002* 7 Oct. 2002, Sec. II; *International Religious Freedom Report 2003* 18 Dec. 2003, Sec. II; *International Religious Freedom Report 2004* 15 Sept. 2004, Sec. II). However, non-registered religious groups experience difficulties in buying or renting premises for worship because they are not registered (IHF 17-18 July 2003, 14). In July 2002, the authorities ordered that a newly rebuilt church in Berestovitsa district be bulldozed because it had belonged to the Belarusian Autocephalous Church, which had been denied registration (ibid.; *Charter '97* 7 Aug. 2002).

Following the enactment of the new law, a March 2004 news article reported that commissions had been set up to supervise religious organizations (ibid. 3 Mar. 2004). Specifically,

[t]he commissions are to control activities of the communities of different denominations thoroughly, especially communities of Protestant and Catholic parishes, which envisages regular visits to services and meetings with leadership of religious organizations. Local administration is to check activities of the

unregistered religious organizations: in certain cases commissions have a right to prohibit services, educational work and so on. ... [C]ommissions are to take notice of the use of foreign languages during services: Russian and Belarusian languages must be preferred (ibid.).

Several sources also reported that the state media has engaged in "offensive and prejudicial reporting," which has contributed to negative societal attitudes towards minority religious groups (IHF 17-18 July 2003, 14; *International Religious Freedom Report* 26 Oct. 2001, Sec. II; *International Religious Freedom Report* 2002 7 Oct. 2002, Sec. II; *International Religious Freedom Report* 2003 18 Dec. 2003, Sec. II; *International Religious Freedom Report* 2004 15 Sept. 2004, Sec. II).

Societal Attitudes

Throughout the period covered by this Response, the United States Department of State reported that while the relationship among members of registered, traditional religious groups was "amicable," societal attitudes were critical of minority religions, including Judaism (*International Religious Freedom Report* 26 Oct. 2001; *International Religious Freedom Report* 2002 7 Oct. 2002; *International Religious Freedom Report* 2003 18 Dec. 2003; *International Religious Freedom Report* 2004 15 Sept. 2004; see also *FSU Monitor* 23 July 2004). Additional information on societal attitudes towards minority religious groups could not be found among the sources consulted by the Research Directorate.

Jews in Belarus

Although the new law recognizes Orthodox Judaism as one of the traditional religions, throughout the period covered by this Response, the United States Department of State reported that certain government actions were perceived to be openly anti-Semitic and/or insensitive towards the Jewish community (*International Religious Freedom Report* 26 Oct. 2001, Sec. II; *ibid.* Sec. III; *International Religious Freedom Report* 2002 7 Oct. 2002, Sec. II; *International Religious Freedom Report* 2003 18 Dec. 2003, Sec. II; *International Religious Freedom Report* 2004 15 Sept. 2004, Sec. II). Such actions included government inaction against, and in some instances encouragement of, the distribution of anti-Semitic literature, government inaction against vandalism and destruction of Jewish property and cemeteries, government attempts to prohibit the distribution of matzoh for Passover among the members of the Jewish community, anti-Semitic statements by government officials, government destruction of an old Jewish cemetery for the construction of a sports stadium in Grodno, and the construction of an apartment complex on the sites of two synagogues (*International Religious Freedom Report* 26 Oct. 2001, Sec. II; *International Religious Freedom Report* 2003 18 Dec. 2003, Sec. II; *International Religious Freedom Report* 2004 15 Sept. 2004, Sec. II; see also Canadian Press 13 Aug. 2003; *FSU Monitor* 23 July 2004). In October 2003, Minsk city authorities refused to extend the rental agreement of a Sunday school for Jewish children (AP 27 Oct. 2003).

In July 2002, over 70 tombstones were damaged in Borisov in the course of one week (AP 19 July 2002; see also *ibid.* 27 Oct. 2003). The Union of Council for Jews in Former Soviet Union reported that memorials erected for victims of genocide in Minsk and Lida were "defiled" in 2003, and in 2004, Jewish cemeteries were vandalised in Bobruisk and Tchernov (FSU Monitor 23 July 2004). The Union noted that "the main generator of the anti-Semite moods in the society is the Russian Orthodox Church" (*ibid.*). According to the *International Religious Freedom Report* 2004, the Belarusian Orthodox Church is a branch of the Russian Orthodox Church (15 Sept. 2004).

According to a July 2004 article by the Union of Councils for Jews in the Former Soviet Union,

[i]n Belarus there is not a single independent state Jewish secondary school, or an independent Jewish nursery, not a single state Jewish newspaper, nor any state subsidy of the Jewish press, which is published by non-government and religious associations. There is not a single minute of radio or TV broadcasting for the Jewish national minority not only in Hebrew or Yiddish, but even in the Russian or Belarusian languages. There are no Jewish theatres or concert groups, besides amateur groups which exist solely due to private donations.

There are no Jewish cultural or charity centers, besides those which exist due to the foreign donations. There is no state publishing activity in the Jewish languages or on Jewish themes (*ibid.*).

However, during the seminar in Ireland, a representative of the United Nations High Commissioner for Refugees (UNHCR) noted that the "physical assault of Jews is rare" (26 May 2004). Corroborating information on the incidence of physical attacks on Jews could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Internet sites, including: Amnesty International (AI), BBC, BELTA (Belarus Press Agency), European Country of Origin Information Network (ECOI), Human Rights Watch (HRW), Integrated Regional Information Networks (IRIN).

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